

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
LUBBOCK DIVISION**

PERRY PATTERSON,  
Institutional ID No. 1673121

Plaintiff,

v.

DR. LINDA ROSE, *et al.*,

Defendants.

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CIVIL ACTION NO. 5:21-CV-00142-C

**ORDER ACCEPTING REPORT AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

The United States Magistrate Judge made findings, conclusions, and a recommendation in this case. Plaintiff timely filed objections.

The undersigned Senior United States District Judge has conducted an independent, de novo review of the relevant portions of the record in this case and has examined the findings, conclusions, and recommendations of the Magistrate Judge. Plaintiff's objections are **OVERRULED**. The Court **ACCEPTS** and **ADOPTS** the Findings, Conclusions, and Recommendation of the United States Magistrate Judge.

IT IS THEREFORE ORDERED that Plaintiff's complaint and all claims alleged therein are **DISMISSED** with prejudice for failure to state a claim under 28 U.S.C. §§ 1915 and 1915A.<sup>1</sup>

This dismissal shall count as a qualifying dismissal under 28 U.S.C. §§ 1915 and 1915A and *Adepegba v. Hammons*, 103 F.3d 383 (5th Cir. 1996).

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<sup>1</sup> As explained by the Magistrate Judge, the Court finds that Plaintiff failed to state a federal or constitutional claim. This order does not prejudice Plaintiff's right to pursue relief under state law for his claims for property loss or medical malpractice.

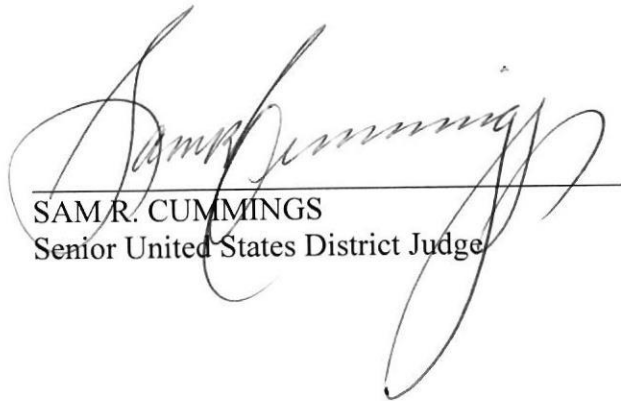
Dismissal of this action does not release Plaintiff or the institution where he is incarcerated from the obligation to pay any filing fee previously imposed. *See Williams v. Roberts*, 116 F.3d 1126, 1128 (5th Cir. 1997).

Plaintiff is advised that if he appeals this Order, he will be required to pay the appeal fee of \$505.00 pursuant to the PLRA, and he must submit an application to proceed *in forma pauperis* and a 6-month Certificate of Inmate Trust Account at the same time he files his notice of appeal.

Judgment shall be entered accordingly.

**SO ORDERED.**

Dated November 14, 2022.



SAM R. CUMMINGS  
Senior United States District Judge